

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DONNIE THOMAS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:22-cv-395-JTA
)	(WO)
KILOLO KIJAKAZI,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the Court is the Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant filed by the Acting Commissioner of Social Security (“Commissioner”). (Doc. No. 16.) In her motion, the Commissioner states that remand is appropriate so that the agency can “obtain evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base . . . [,] offer Plaintiff the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.” (Doc. No. 16 at 1.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by

substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

Here, the Court finds remand necessary as the Commissioner concedes that further evaluation of the administrative record is in order. Moreover, Plaintiff does not oppose the motion. (Doc. No. 16.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 11, 13.)

Accordingly, it is hereby ORDERED as follows:

1. The Commissioner’s unopposed motion (Doc. No. 16) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate judgment will issue.

DONE this 28th day of November, 2022.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE